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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,046	06/20/2003	Sidney I. Katz	KATZS-005A	6016
7663	7590	09/20/2005	EXAMINER	
STETINA BRUNDA GARRED & BRUCKER 75 ENTERPRISE, SUITE 250 ALISO VIEJO, CA 92656			LIEU, JULIE BICHNGOC	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,046

Applicant(s)

KATZ, SIDNEY I.

Examiner

Julie Lieu

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed June 27, 2005. Claim 1 has been amended. No claims have been added or canceled.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In this claim, "the push button" lacks antecedent basis.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2636

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6, 14, 18, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Mason et al. (US Appl. 2005/0001720).

Claim 1:

Mason et al. disclose a personal alarm carried by a user to advise the user of sensed local danger and a remote danger, the system comprising:

- a. Output device 21000 including
 - i. A locator signal generator [0044-0046]
 - ii. A speaker [0057]
 - iii. A light source operative to emit a warning light (LED) [0064]
- b. Input sensors including:
 - iv. A vibration sensor [0086]
 - v. A modem input device [0073]

Claim 2:

The locator signal generator 21000 is operative to emit location information of the user as determined by mobile phone tower triangulation through a cellular phone signal. See [0044].

Claim 3:

The locator signal generator 21000 is operative to emit a received GPS signal of a location of the user through a satellite communication signal. See fig. 1.

Claim 4:

Art Unit: 2636

The locator signal generator 21000 is operative to emit a received GPS signal of a location of the user through a cellular phone signal.

Claims 5 and 6:

It is not clear what frequency and/or decibel the sound from the speaker in Shaffer emits. However, it would have been obvious to one skilled in the art to use a frequency range applicable to the application, such that the sound would be heard or recognized by the rescue personnel.

Claim 14:

In Mason, a push button switch (panic button) is operative to activate the locator signal generator for notifying the rescue provider of the location of the user [0082].

Claim 18:

Device 21000 in Mason includes a modem input device operative to receive danger signals from the rescue provider and activate selective output devices.

Claim 19:

The modem in device 21000 activates selective output devices based on a received danger signal.

Claim Rejections - 35 USC § 103

6. Claims 7-13, 15, 16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason et al. (US Appl. 2005/0001720) in view of Lawrence (US Patent No. 6,371,055).

Claims 7-8:

Art Unit: 2636

Mason fails to teach providing an alarm sound within a hearing frequency range of a rescue animal. However, the use of a personal alarm system in which alarm sound emits sound within a hearing frequency range of a rescue animal is well known in the art as taught in Lawrence wherein an audible sound within the frequency range audible to rescue animal, such as a dog, is provided to make the dog bark to rescue the user. In light of this teaching, it would have been obvious to a skilled artisan, at the time the invention was made, to implement the system so that audible sound with frequency heard by animal would be provided because it would be helpful to a rescue personnel who uses dogs or other animals to locate the user.

Claim 9:

It is not clear whether the LED in Mason is red, yellow, or white, but these colors are conventional warning light colors; therefore, one of ordinary skill in the art would have use any or the combination of these colors as a color for the warning light Mason's.

Claim 10-11:

It appears that the output devices in Mason's portable alarm stay on once activated until they are deactivated. Furthermore, it would have been obvious to one skilled in the art to intermittently activate the output device because it would be desirable to conserve energy.

Claims 12, 13, and 15:

Though Mason fails to clearly state the use of an earthquake sensor, the reference infers it by stating that the device detects environmental condition. Accordingly, the earthquake sensor would be operative to activate local signal generator, the speaker and light source for warning the user of impending danger.

Claim 16:

Art Unit: 2636

The local signal generator 21000 is attached to the clothing of the personnel. See [0025]. Thus, it would have been obvious to one of ordinary skill in the art to use a belt clip or a strap attached to the case of the device because there must be a means to attach the device to the clothing and a belt clip or strap is one of the most conventional means of attachment.

Claim 20:

Though not clearly stated, one skilled in the art would have readily recognized that the danger signal received by the modem in the Mason's device would contain information of a location and intensity of a dangerous circumstance, as the reference implicitly suggests it. See [0047].

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2636

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a long, sweeping horizontal stroke extending to the right.

Julie Lieu
Primary Examiner
Art Unit 2636

Sept. 12, 05